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SUBJECT: HR DEFENDER GIVES US GHULYAN DEATH CASE UPDATE

REF: YEREVAN 649

Classified By: Poloff Masha Herbst for reasons 1.4 (b, d).

11. (C) The government-appointed Human Rights Defender (or ombudsman) Armen Harutyunyan told us at a May 31 meeting that the Yerevan city prosecutor had responded to his inquiry regarding the Ghulyan case (death in police custody, see reftel). Harutyunyan had asked prosecutors, after our May 17 inquiry with him, why the death was being investigated under a provision of the law that criminalizes "inducement to suicide." The investigators answered that murder had not been ruled out, but that, at first glance, the evidence appeared to point to that particular article of the law. According to Harutyunyan, the prosecutor's office told him that the relevant article could change, particularly once forensic experts released their findings.

12. (C) Harutyunyan also said German and Belgian forensic experts hired by supporters of Ghulyan's family had completed their autopsy of the body. He said they told him privately they were certain Ghulyan had been alive before he hit the ground, and that he died from the fall. Though the experts conducted their examination two weeks ago, this information has not yet been made public. The Helsinki Association's Misha Danielyan, who is watching the case closely, told us local independent forensic experts also had completed their examination, but those results have not been released either.

13. (C) COMMENT: If true, the foreign experts' finding that Ghulyan died from his fall is useful, but ultimately inconclusive. We still do not know whether he jumped of his own volition in a misguided escape attempt, as police claim, or whether he was thrown out the window. However, the findings do seem to exclude the hypothesis that Ghulyan's body might have been tossed out the window to facilitate a cover story after being accidentally beaten to death inside.
GODFREY